

September 24, 2013

Administrative: Roll Call: Chairman, Peter Van Steeden, Vice Chair, Tom Silveira, Secretary, Stephen MacGillivray, Charles Vaillincourt, Jim Miller (1st Alternate); Nicholas Pasyonos (2nd), Bob Novick (3rd)

Adoption of August 2013 Meeting Minutes: Stephen MacGillivray moved for approval, Nicholas Pasyonos seconded and the minutes were adopted by a vote of 5-0.

Continuances/Withdrawals:

Petition of: Carol Parker- 156 Morrison Ave- Middletown, RI (owner)- for a Special Use Permit from Article 1600 - to allow an accessory family dwelling unit. Said real estate located at 156 Morrison Ave and further identified as Lot 812 on Tax Assessor's Plat 120. No advisory opinion regarding watershed district. Continued to Oct. 22, 2013.

Petition of: Carol Parker- 156 Morrison Ave- Middletown, RI (owner)- for a Special Use Permit from Section 1106 - to allow the construction of a garage addition in Zone 1 of the Watershed Protection District. Said real estate located at 156 Morrison Ave and further identified as Lot 812 on Tax Assessor's Plat 120. No advisory opinion regarding watershed district. Continued to Oct. 22, 2013.

Petition of: Carol Parker- 156 Morrison Ave- Middletown, RI (owner)-

for a Variance from Article 1600 - to allow an accessory dwelling unit to be occupied by the sister of the owner/ occupant of the dwelling. Said real estate located at 156 Morrison Ave and further identified as Lot 812 on Tax Assessor's Plat 120. No advisory opinion regarding watershed district. Continued to Oct. 22, 2013.

Full Hearings:

Petition of: Joseph Markey- 5 James Street- Middletown, RI (owner)- for a Variance from Section 603, 701 & 803G- to replace the existing 16.5' x 19' deck with a 15.5' x 27' deck with a rear yard setback of 32' where 50' is required. Said real estate located at 5 James St and further identified as Lot 35 on Tax Assessor's Plat 122.

Testimony: This is a summary petition that was misfiled. No objection from any audience member.

Vote: Thomas Silveira moved for approval and Nicholas Pasyonos seconded. The petition was granted by a vote of 5-0.

Petition of: Russell and Filomena Puerini- 55 Beachview Terr- Middletown, RI (owners)- Russell Puerini (applicant)- for a Variance from Section 603, 701 & 803G- to construct a 22' X 23' two story attached garage with 4'x6' breezeway with a left yard setback of 1' where 15' is required. Said real estate located at 55 Beachview Terr and further identified as Lot 24 on Tax Assessor's Plat 121SW.

Testimony: Russel Puerini, 55 Beachview Terrace, Middletown. Indicates that he is willing to move the structure 3' from the property line.

Charlene McGovern and other neighbors object.

Vote: Petition Silveira moved for approval and Stephen MacGillivray seconded. The motion failed by a vote of 2-3 and accordingly, the petition was not approved.

Petition of: Daniel G Kamin BJ's of Middletown, LLC- 490 South Highland Ave. - Pittsburg, PA (owner)- BJ's Wholesale Club, Inc- 25 Research Dr.- PO Box 5230- Westborough, MA (applicant)- for a Variance from Section 1304- to allow 345 off-street parking spaces where 355 parking spaces are required. Said real estate located at 173 East Main Road and further identified as Lot 107 on Tax Assessor's Plat 107SE.

This was withdrawn.

Petition of: Daniel G Kamin BJ's of Middletown, LLC- 490 South Highland Ave. - Pittsburg, PA (owner)- BJ's Wholesale Club, Inc- 25 Research Dr.- PO Box 5230- Westborough, MA (applicant)- for a Variance from Section 1304- Amendment to original Variance petition to allow 345 off-street parking spaces where 355 parking spaces are required. The area will be used to site a propane dispensing facility.

Said real estate located at 173 East Main Road and further identified as Lot 107 on Tax Assessor's Plat 107SE.

Testimony: Stephen Powers, Marlborough, engineer employed by BJ's.

Shawn Kelly, Vanasse & Associates, Inc., Andover, MA. Offered as a parking expert. Mr. Kelly has provided traffic studies in memorandum form.

Vote: Stephen MacGilivray moved to grant the application for variance. Nicholas Pasyonos seconded and the motion was approved by a vote of 5-0.

Petition of: Daniel G Kamin BJ's of Middletown, LLC- 490 South Highland Ave. - Pittsburg, PA (owner)- BJ's Wholesale Club, Inc- 25 Research Dr.- PO Box 5230- Westborough, MA (applicant)- for a Special Use Permit from Section 602(B) & 1106- to allow the construction of a propane dispensing facility in a (GBA) General Business/Traffic Sensitive zoning district and Zone 2 of the Watershed Protection District consisting of two 1,000 gallon above ground LPG tanks and related appurtenances. Said real estate located at 173 East Main Road and further identified as Lot 107 on Tax Assessor's Plat 107SE (corrected).

Testimony: Tom Clark, LPG Solutions, Ogden, UT. Presented report and CV. He testified that he believes the facility is safe based on his background and expertise.

Ron Doire, Fire Chief for Middletown - Testified regarding safety and clarified some of the elements of the report. Having reviewed the siting and design of the facility, the Middletown Fire Department does not object to the installation.

Vote: Stephen MacGilivray moved to grant the application for variance. Nicholas Pasyonos seconded and the motion was approved by a vote of 5-0.

Adjourned 9:43 p.m.